

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., et al.,

Plaintiffs,

v.

Silver, et al.,

Defendants.

:
: **Case No. 2:23-cv-512**
:
: **Judge Sarah D. Morrison**
:
: **Magistrate Judge Chelsey M. Vascura**
:
:
:
:

PLAINTIFFS' SUPPLEMENTAL EVIDENCE
IN SUPPORT OF MOTION FOR RECEIVER

Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (collectively, “Plaintiffs” or “Root”) respectfully submit additional evidence of Silver’s violations of the Preliminary Injunction in support of Root’s motion for appointment of a receiver.

I. BACKGROUND

The Court held a hearing on May 9, 2023, on Root’s motion for contempt and for appointment of a receiver. That same day, the Court found that Brinson Caleb Silver (“Silver”) and Eclipse Home Design, LLC (“Eclipse”) violated the Court’s Preliminary Injunction Order and held both Silver and Eclipse in contempt. (ECF Nos. 85, 86.) The Court based its rulings, in part, on Silver and Eclipse’s Bank of America monthly account statements submitted in briefing and on the record at the May 9, 2023 evidentiary hearing. (*Id.*)

The Court has not yet ruled upon Root’s motion for a receiver, and deferred that decision until May 12, 2023. (ECF No. 86.) Root has since received documents from two more financial institutions that suggest Silver is spending and disposing of assets in violation of the Court’s orders. The additional evidence establishes that a receiver is not only warranted – but necessary – to ensure compliance with the Court’s injunction.

II. ADDITIONAL EVIDENCE

In response to a subpoena to Blue Ridge Bank, Root's counsel received bank account statements for Brinson Caleb Silver, a portion of which is attached hereto as **Exhibit A**. The transactions in March 2023 include:

- \$8,129.93 in charges for hotel rooms in Bali, Indonesia from March 1-31, 2023, (Ex. A pp. 2-11);
- \$2,456.40 charge at a computer store in Bali on March 9, 2023, (*id.* p. 4);
- \$1,701.55 charge at a camera store in Bali on March 10, 2023, (*id.* p. 4);
- \$683.82 hotel reservation in Amsterdam, Netherlands on March 11, 2023, (*id.* p. 5.);
- \$2,063.38 Paypal transfer to unknown Paypal account on March 20, 2023, (*id.* p. 9.).

Other transactions include two payments of approximately \$500 to women on March 13 and 14, 2023, (*id.* p. 6.), and charges at a tattoo parlor totaling \$1,043.06 on March 20 and 21, 2023, (*id.* pp. 9-10). On March 31, 2023, the Blue Ridge Bank account was closed and Silver was issued a \$130,448.13 check. (*Id.* p. 11.)

Additionally, in response to a subpoena to Western Union Financial Services, Root's counsel received a document showing a \$5,000 transfer on March 17, 2023, to an account in Ukraine, attached hereto as **Exhibit B**.

III. CONCLUSION

These additional bank statements, along with the evidence presented in Root's Motion for Contempt, show that Silver will continue to dissipate assets and will prevent Root's meaningful recovery at final judgment unless a receiver is appointed.

Respectfully submitted,

/s/ William D. Kloss, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 11th day of May 2023 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

A copy was also sent by regular U.S.P.S. mail and email to the following:

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